

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE



Inventor(s): John F. Acres et al.

Batch No.: R16

Serial No.: CPA of 08/922,046

Examiner: J. Schaaf

Filing Date: September 2, 1997

Group Art Unit: 3711

Title: COMPUTER NETWORK FOR CONTROLLING AND MONITORING GAMING DEVICES

VIA HAND DELIVERY

Examiner J. Schaaf, Group Art Unit 3711  
ASSISTANT COMMISSIONER OF PATENTS  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

☒ under 37 CFR 1.97 (b), or

(Within three months of filing national application; or date of entry of International application; or before mailing date of first office action on the merits; whichever occurs last)

☐ under 37 CFR 1.97 (c) together with either a:

☐ Certification under 37 CFR 1.97 (e), or

☐ a \$240 fee under 37 CFR 1.17 (p), or

☐ under 37 CFR 1.97 (d) together with either:

☐ Certification under 37 CFR 1.97 (e),

☐ A petition requesting consideration

☐ a \$130.00 petition fee set forth in 37 CFR 1.17 (i)(1).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Please charge to Deposit Account 13-1703 the sum of None. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 13-1703 pursuant to 37 CFR 1.25. A duplicate copy of this sheet is enclosed.

☒ Applicant(s) submit herewith Form PTO 1449- Information Disclosure Citation together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
Alan T. McCollom

Reg. No. 28,881

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205 (503) 222-3613

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Examiner J. Schaaf, Group Art Unit 3711  
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INFORMATION DISCLOSURE STATEMENT TRANSMITTAL SHEET

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The accompanying Information Disclosure Statement is submitted:

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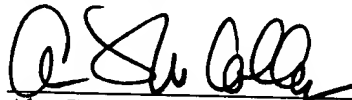
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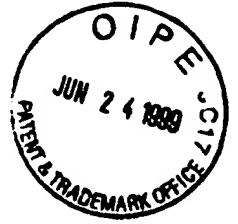
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Examiner Schaaf  
Group Art Unit 3711  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

The following are additional documents that have been filed in the civil action described in the Information Disclosure Statement filed in this application on April 2, 1999, and are submitted pursuant to 37 CFR 1.56:

**Volume V**

- CDS' THIRD MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CDS' MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 5,752,882 (ON-SALE BAR)
- EXHIBITS IN SUPPORT OF CDS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CDS' THIRD MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 5,752,882 (ON-SALE BAR)

**Volume VI**

- ACRES GAMING'S OPPOSITION TO CDS'S THIRD MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 5,752,882 (ON-SALE BAR)

**Volume VII**

- DEPOSITION OF JOSE VEGA DATED JANUARY 25, 1999 WITH EXHIBIT NOS. 191, 193, 194, 195, 197, 198

In a May 24, 1999 telephone conversation between the Examiner and the undersigned, consideration of the information submitted in the April 2 IDS was discussed. Because a notice of allowance issued in this application on March 29, 1999, applicant agreed to file a Continued Prosecution Application, which is submitted with this document. As discussed, this would permit the Examiner to consider both the information in the April 2 IDS ("the first motion papers") and documents from the civil action relating to a second 102(b) motion filed by CDS ("the second motion papers"). Some of these second motion papers are contained in the accompanying Volumes V and VI, but CDS has not yet filed a reply to Acres' opposition (Volume VI) because the court hearing the civil action has suspended briefing on the second 102(b) motion. The suspension was in response to a request by CDS to permit it to submit additional material and arguments in yet another 102(b) summary judgment motion. Because it is unclear when—or even if—CDS will file a reply in the second 102(b) motion, applicant decided to submit this IDS disclosing the second motion papers without further delay.

The second motion papers largely rehash the issues dealt with in the first motion papers. Many of the exhibits in the second motion papers are contained in the first motion papers: Exhibits H, I, J, L, O, P, Q, R, S, T, Y, and AA in the second motion papers are all included in Volume IB submitted with the April 2 IDS. The new exhibits in the second motion papers relate to the same issues, as can be seen by reviewing CDS's briefs from both the first and second motion papers. Moreover, many of the exhibits from the second motion papers could have been presented when the first motion was filed, but were not.

Exhibit K from the EXHIBITS IN SUPPORT OF CDS' MEMORANDUM, etc. (in the accompanying Volume V) and Exhibit I from ACRES GAMING'S OPPOSITION, etc. (in the accompanying Volume VI) are not included to comply with a protective order entered in the civil action. In addition, a portion of page 22 in ACRES GAMING'S OPPOSITION, etc. quotes from Exhibit I and is therefore redacted to comply with the protective order.


Volume VII is the January 25, 1999 transcript of the deposition of Jose Vega and the exhibits thereto as noted on the attached Form 1449. If the Examiner would like to see additional exhibits, applicant will provide them. Please address any questions or requests to the undersigned attorney for applicant.

Finally, applicant would like to supplement a statement made in an Information Disclosure Statement filed in this application (serial no. 08/922,046) on December 23, 1999. On page 1 of the attachment to the IDS, applicant stated that: "the items on page 1 and 2 were previously submitted and reviewed by Examiner Schaff in U.S. Patent Application Serial No.

08/465,717, filed on June 6, 1995, now U.S. Patent No. 5,836,817." Applicant has since discovered that the IDS with which the items were submitted in the '717 application on June 19, 1998, and again on July 20, 1998, was apparently not associated with the file in the US Patent and Trademark Office. These items consequently do not appear to have been reviewed by the Examiner in the application issuing as the '817 patent.

Applicant requests the that the Examiner review the information submitted with this document and issue a notice of allowability.

Respectfully submitted,

  
Alan T. McCollom  
Reg. No. 28,881

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PAY  
TO THE  
ORDER OF

Commissioner of Patents and Trademarks

June 23, 1999

683.00

\$

Six hundred eighty-three dollars and 00/100

DOLLARS

MEMO

MARGER, JOHNSON, McCOLLOM & STOLOWITZ, P C

AUTHORIZED SIGNATURE

⑈020407⑈ ⑆123000220⑆ 051 0012 438⑈

RECEIPT IS HEREBY ACKNOWLEDGED BY THE U.S. PATENT AND TRADEMARK OFFICE OF THE FOLLOWING: ; Request for Filing a Continued Prosecution Application (CPA) Under 37 CFR 1.53(d); Information Disclosure Statement; Form PTO-1449 (Modified); cited references; check in the amount of \$683 (ck. no. 02 0407); and a postcard.

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Serial No. 08/922,046

Filed: September 2, 1997

For: COMPUTER NETWORK FOR CONTROLLING AND MONITORING GAMING DEVICES

ATM/nan

Do. No. 4164-55

Date: June 23, 1999 (sent 6/23/99 via UPS Early AM to Terry Kannofsky for hand delivery to the USPTO on 6/24/99)

RECEIPT IS HEREBY ACKNOWLEDGED BY THE U.S. PATENT AND TRADEMARK OFFICE OF THE FOLLOWING: ; Courtesy Copy of Request for Filing a Continued Prosecution Application (CPA); Courtesy Copy of Information Disclosure Statement in duplicate; Form PTO-1449 (Modified); cited references; and a postcard.

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